IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 14445 of 2006(T)

PETITIONER:

N.SUDHAKARAN, AGED 57 YEARS,
S/O. NARAYANAN, PROPRIETOR,
JEEVAN AYURVEDIC BEACH RESORTS,
KOVALAM, VIZHINJAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, TAXES (A) DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

3. THE ASST. EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

4. THE CIRCLE INSPECTOR OF EXCISE,
NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.

5. SRI. B.SURENDRADAS,
LICENSEE, FL-11 LICENSE, MARINE PALACE,
KOVALAM, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.K.B.PRADEEP
G.P. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2006, ALONG WITH WPC NO. 1544 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 APPLICATION DT 20.2.04 BEFORE R2 THROUGH R4.

P2 AFFIDAVIT DT 11.4.05.

P3 JUDGMENT DT 18.11.05 IN WPC.27323/05.

P4 LETTER DT 12.1.06 BY R2.

P5 LAWYER'S NOTICE DT 28.3.06 TO R1 AND R2.

P6 ORDER DT 10.4.06 BY R2.

P7 CERTIFICATE DT 5.6.06.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) Nos. 1544 H and 14445 T OF 2006

Dated this the 1st day of December, 2006

J U D G M E N T

The case of petitioners is that they are entitled to beer parlour licence for their tourist resort at Kovalam. Government Pleader reported that they had not produced certificate of approval for the restaurant by the Classification and Approval Committee for Hotels and Restaurants under the Tourism Department of the Government of India or of the State Government. According to Government Pleader, certificate produced by petitioners is a letter from the Tourism Department, which is not sufficient to entitle them for beer parlour licence.

In the circumstances, petitioners are free to make application for approval of the restaurant before the Classification and Approval Committee for Hotels and Restaurants under the State Tourism Department and if application is filed, they will conduct inspection, enquiry and take decision thereon, within three weeks from date of filing of application.

Writ petitions are disposed of as above.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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